

# EXHIBIT M

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

PRESENT: HON. EILEEN BRANSTEN  
*Justice*

PART 3

-----X

DANIEL SMALL,  
  
Petitioners,

INDEX NO. 656047/2016

MOTION DATE 11/01/2017

MOTION SEQ. NO. 002

- v -

PLATINUM MANAGEMENT (NY) LLC, PLATINUM LIQUID  
OPPORTUNITY MANAGEMENT (NY) LLC

DECISION AND ORDER

Respondents.

-----X

The following e-filed documents, listed by NYSCEF document number 47, 48, 49, 50, 51, 52  
were read on this application to/for Attorney Withdrawal

Upon the foregoing documents, it is

ORDERED Counsel for Respondents' motion to be relieved as counsel is  
being held in abeyance as stated on the October 13, 2017 record and  
transcript (Delores Hilliard, OCR) at 4:14-8:15; and it is further

Small v. Platinum Management  
656047/2016

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ORDERED this matter is STAYED pursuant to the December 19, 2016 District Court for the Eastern District's Order as stated on the October 13, 2017 record and transcript (Delores Hilliard, OCR) at 4:23-8:12.

11/ 2 /2017  
DATE

  
EILEEN BRANSTEN, J.S.C.

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

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CASE DISPOSED

GRANTED

SETTLE ORDER

DO NOT POST

☐

DENIED

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NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

☒

OTHER

☐

REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: CIVIL TERM: PART - 3  
-----X  
DANIEL SMALL,  
Petitioner  
INDEX NUMBER:  
656047/2016  
-----X  
-against-  
PLATINUM MANAGEMENT (NY) LLC and PLATINUM LIQUID OPPORTUNITY  
MANAGEMENT (NY) LLC,  
Respondents  
-----X  
80 Centre Street  
New York, New York 10007  
October 13, 2017  
(Phone conference)  
BEFORE: HONORABLE: Silken Branton, JSC  
APPEARANCES:  
Present via Telephone:  
Davis & Gilbert, LLP  
Attorneys for Petitioner  
1740 Broadway 3rd Floor  
New York, New York 10019  
By: Jacob Freeman, Esq.  
Otterbourg, P.C.  
Attorneys for Respondents  
230 Park Avenue  
New York, New York 10019  
By: Adam Silverstein, Esq.  
Present in Person:  
Ganfer & Shore LLP  
Attorneys for Respondents  
360 Lexington Avenue  
New York, New York 10017  
By: Dawn M. Wilson, Esq.  
Delores Hilliard  
Official Court Reporter  
dh

RECEIVED  
NOV 01 2017  
PART 3  
NYS SUPREME COURT - CIVIL

Proceedings  
with the case.  
So, what I do is everything is on the record. So,  
you can get a copy of the minutes of what I'm going to be  
doing from my official court reporter who is Delores,  
D-E-L-O-R-E-S, Hilliard, H-I-L-L-I-A-R-D. And her telephone  
number 646-386-3085.  
MR. SILVERSTEIN: That would be fine, your Honor.  
Again, I apologize. I hadn't realized that there was an  
obligation on our part.  
THE COURT: Actually, I don't think there is. So  
that you know what is happening you can get a copy of the  
minutes. Okay?  
MR. SILVERSTEIN: All right. Thank you, your  
Honor. I apologize for any inconvenience.  
THE COURT: No, not at all. Thank you. I  
appreciate it.  
Bye, bye.  
Okay. So, now I have Mr. Freeman.  
MR. FREEMAN: Yes. Jacob Freeman, F-R-E-E-M-A-N of  
Davis & Gilbert.  
THE COURT: What is your address?  
MR. FREEMAN: 1740 Broadway, New York, New York,  
10019.  
THE COURT: And your telephone number?  
MR. Freeman: 212-468-4852.  
dh

Proceedings  
COURT CLERK: Index Number 656047/2016.  
In the matter of DANIEL SMALL  
versus PLATINUM MANAGEMENT (NY), LLC,  
et al.  
(Telephone Conference)  
MR. FREEMAN: Hello. This is Jacob Freeman for  
Daniel Small.  
THE COURT: Yes, sir. And what is your name, sir?  
Hello. This is Judge Branton.  
MR. SILVERSTEIN: Your Honor, this is Adam  
Silverstein from Otterbourg.  
I apologize for any confusion. We understand that  
our client, the action as to our client is stayed and that  
everybody was in agreement as to that. So, we did not  
realize that there was, that we had any continuing role in  
the lawsuit at this point.  
THE COURT: No. You're one hundred percent right.  
And in fact, the whole matter is stayed. But, I'm going to  
get to that in addition to pointing it out to counsel.  
But, as to you for the Platinum Liquid Opportunity  
Management New York, LLC, you're stayed by the District  
Court of the Eastern District.  
And with that I do have Mr. Freeman representing  
Daniel Small on the telephone. And that is the person that  
I'm going to be speaking to, because he is still involved  
dh

Proceedings  
THE COURT: All right. You can come up and stand  
in the front.  
I have the Platinum Management New York, LLC, the  
Ganfer & Shore, LLP firm by Dawn Wilson.  
You can speak up.  
All right. So, I have, as I said, Ms. Wilson.  
I have motion sequence number three, which is Ms.  
Wilson's motion, the motion to withdraw as the attorney of  
record.  
And I am prepared to give a short decision on this,  
which you will hear what I'm saying. And it's being  
recorded by my court reporter.  
This is a proceeding commenced by Petitioner,  
Daniel Small, to confirm an arbitration award in the amount  
of \$9.5 million.  
On November 17, 2016 Petitioner filed a Petition  
seeking such confirmation. (NYSCEF 1)  
On December 19, 2016, however, the United States  
District Court for the Eastern District of New York issued  
an Order appointing a Receiver for one of the defendants,  
Platinum Liquid Opportunity Management New York, LLC.  
Specifically, the order contains a provision  
staying the Ancillary Proceedings, including " [a]ll civil  
legal proceedings of any nature" involving any Receivership  
Property or any of the Receivership Entities.  
dh



1 Proceedings  
2 And I actually have the order here at page 11, Stay  
3 of Litigation, paragraph 25 of the order. United States  
4 District Court Judge -- What was the name of the Judge?  
5 MS. WILSON: I don't know, your Honor.  
6 THE COURT: K-A-M? Mr. Freeman, what is the name  
7 of the Judge?  
8 MR. FREEMAN: I do not know, your Honor.  
9 THE COURT: Just goes by K.A.M., so I have no idea.  
10 But, the last name was, starts with an M from my  
11 understanding of how they do it. Very well. So, the United  
12 States District Court Judge. And at page 11 of that  
13 decision, paragraph 25.  
14 As set forth in detail below, the following  
15 proceedings, excluding (i) the instant proceeding, (ii) all  
16 police or regulatory actions and actions of the Commission  
17 related to the above-captioned enforcement action, and for  
18 the avoidance of doubt, (iii) Cause Number: FSD, and it has  
19 a series of numbers, 118/2016 (NAS) and Cause Number FSD 131  
20 of 2016 (All) Pending before the Grand Court of the Cayman  
21 Islands, (iv) the bankruptcy cases In re Platinum Partners  
22 Value Arbitrage Fund L.P., 16-12925 (Bankruptcy Southern  
23 District of New York) and In re Platinum Partners Value  
24 Arbitrage Fund International Ltd., 16-12934 (Bankruptcy  
25 Southern District of New York) And (v), all pending -- It  
26 ends with which the Receivership are involved are stayed  
dh

1 Proceedings  
2 until further Order of this Court:  
3 All civil legal proceedings of any nature,  
4 including but not limited to, bankruptcy proceedings,  
5 arbitration proceedings, foreclosure actions, default  
6 proceedings, or other actions of any nature involving: (A)  
7 the Receiver, in the Receiver's capacity as Receiver; (b)  
8 any Receivership Property, wherever located; (c) any of the  
9 Receivership Entities; or, (d) any of the Receivership  
10 Entities' past or present officers, directors, managers,  
11 managing members, agents or general or limited partners sued  
12 for, or in connection with, any action taken by them while  
13 acting in such capacity of any nature, whether as plaintiff,  
14 defendant, third-party plaintiff, third-party defendant or  
15 otherwise (such proceedings are hereinafter referred to as  
16 "Ancillary Proceedings").  
17 So, that is the order of the Court.  
18 The parties currently disagree as to whether this  
19 December 2016 order requires this entire current action to  
20 be stayed or whether Petitioner may still seek to confirm  
21 the arbitration against the Platinum Management New York,  
22 LLC - the party which has not been appointed a Receiver.  
23 This issue notwithstanding, counsel for Defendant  
24 Platinum Management New York, LLC currently seeks to  
25 withdraw as counsel.  
26 Motion Sequence 002: Defense Counsel's Motion to Be Relieved as  
dh

1 Proceedings  
2 Counsel  
3 Counsel for Defendant Platinum Management New York  
4 LLC, otherwise known as Ganford & Shore, LLP, seeks to  
5 withdraw as counsel pursuant to CPLR 321(b).  
6 Counsel contends its client no longer wishes  
7 counsel to represent it and has so indicated in writing.  
8 E-mail from Platinum Management New York, LLC has  
9 been provided in support of counsel's request which states  
10 "Do what you have to do but please don't contact me anymore.  
11 We are not expecting you to represent PMNY any further."  
12 Shore Affirmation "A".  
13 Based upon this breakdown in the relationship,  
14 counsel seeks withdrawal.  
15 Petitioner opposes this motion, namely the 30 day  
16 stay requested, and requests this Court set a deadline by  
17 which Petitioner must retain new counsel and file opposition  
18 to Petitioner's Petition to Confirm the Arbitration Award.  
19 This Court will not rule on this motion at this  
20 time, however.  
21 A review of the District Court's Order clearly  
22 directs this Court to stay all actions "involving any of the  
23 Receivership Entities". See, section VII, 25-27.  
24 Further, the Order directs "the parties to any and  
25 all ancillary proceedings are enjoined from commencing or  
26 continuing any such legal proceedings..." Id,26.  
dh

1 Proceedings  
2 This matter certainly involves one of the  
3 Receivership Entities and, therefore, this matter is stayed  
4 in accordance with the District Court's Order.  
5 If the parties wish to continue this proceeding  
6 against Platinum Management New York, LLC, the  
7 non-Receivership Entity, Petitioner must obtain an Order  
8 from District Court permitting this Court to continue such  
9 proceedings. Until such Order has been received, both  
10 motion sequence 001 (to confirm arbitration) and motion  
11 sequence 002 (relief of counsel) will be held in abeyance  
12 and this matter will be stayed.  
13 That constitutes the decision and order of the  
14 Court.  
15 So, you do not get your relief.  
16 MS. WILSON: Thank you, your Honor.  
17 MR. FREEMAN: Jacob Freeman.  
18 May I be heard?  
19 We were not put on notice this was going to be  
20 argued today or heard today. We would like to be heard on  
21 papers on this decision.  
22 We don't think that the District Court did stay the  
23 entire proceedings as to --  
24 THE COURT: Well, you can do whatever you want to  
25 do, Mr. Freeman. You can do whatever you want.  
26 But, my view of the order is that I am completely  
dh

Proceedings

stayed. The only thing that you can do to continue this matter, the arbitration matter, is to get an order of the District Court. Get an order from her releasing me, allowing me to go forward. And I will be happy to go forward.

But, until that happens, I am not going to consider it. So, I believe I'm stayed. You have to go to the District Court to get me released and allow me to proceed to the arbitration award.

You can make as many motions as you want, but until that occurs, nothing is going to happen. Okay.

MR. FREEMAN: Okay, your Honor.

THE COURT: So, make sure that you get a copy of the minutes. Make sure you distribute it to the other two counsel.

MS. WILSON: Yes, your Honor. Do you want that it is e-filed, as well?

THE COURT: No. Once you pay for the minutes it will come to me and I will give you an order saying that I'm staying it. Okay?

MS. WILSON: Thank you.

THE COURT: Mr. Freeman, goodbye.

MR. FREEMAN: Bye.

\*\*\*  
Certified to be a true and accurate transcription of said stenographic notes.

*[Signature]*  
Official Court Reporter

dh



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